

AMENDED IN ASSEMBLY JULY 1, 2015

AMENDED IN SENATE APRIL 14, 2015

SENATE BILL

No. 476

Introduced by Senator Mendoza

February 26, 2015

An act to amend ~~Section~~ *Sections 18897 and 18897.4* of, to add Section 18897.8 to, and to repeal and add Section 18897.1 of, the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 476, as amended, Mendoza. Organized camps.

Existing law requires the State Public Health Officer to establish rules and regulations establishing minimum standards for organized camps, and ~~regulating regulations governing~~ the operation of organized camps that he or she determines are necessary to protect the health and safety of the campers. Existing law establishes minimum standards for the operation, regulation, and enforcement of organized camps, as defined.

This bill would recast those provisions and instead define an “organized camp” to include an “organized resident camp” and an “organized day camp,” as specified, that provides activities that promote environmental awareness and education. This bill would exclude from “organized camps” ~~physical education, education-based organizations, gymnastics studios, sports training, training organizations, and theatre program programs, among others.~~ The bill would require the included camps to *issue a written notice of intent to operate and to develop a written operating plan and provide the local public health officer with submit the plan, or written verification that the camp is accredited by the American Camp Association, to the local public health officer* at least ~~30~~ 45 days prior to commencing operation of the camp. The bill

would also require those camps to comply with applicable safety and supervision requirements relating to camp directors and counselors, install a carbon monoxide detector in specified buildings, and store firearms ~~and bows and arrows~~ in a locked storage cabinet when not in use, as specified. *The bill would also require those camps to obtain a permit to operate, or, for an organized day camp that does not have a fixed location, to register with the local public health officer and receive authorization to operate, from the local public health officer, and to post the permit or authorization, as specified.*

The bill would authorize the local public health officer to inspect the camp and charge ~~a fee~~ *fees for that purpose: camp oversight activities.* *The bill would also authorize a person alleging health and sanitation violations to file a complaint with the local public health officer, and to require the local public health officer to investigate.* The bill would also require the State Department of Public Health, in adopting or amending the rules and regulations pertaining to organized camps, to make reasonable efforts to obtain the input and advice of prescribed organizations.

Because this bill would impose additional duties upon local public health officers in cities and counties, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18897 of the Health and Safety Code is
- 2 amended to read:
- 3 18897. (a) “Organized camp” means an organized resident
- 4 camp or an organized day camp that operates seasonally to provide
- 5 group-based recreation and expanded learning opportunities with

1 social, spiritual, educational, or recreational activities that promote
2 environmental awareness and ~~education on a seasonal basis.~~
3 *education.*

4 (1) A group that leases an organized camp for the purpose of
5 conducting a camp for children under 18 years of age shall comply
6 with this part.

7 (2) An “organized camp” does not include any of the following:

8 (A) A hotel, motel, tourist camp, trailer park, resort, hunting
9 camp, auto court, labor camp, penal or correctional camp, drug
10 and alcohol resident rehabilitation ~~program or other program or~~
11 *program, a facility licensed by the state, or a facility* subject to
12 occupancy taxes, home-finding agencies, or a licensed child day
13 care facility as defined in Section 1596.750.

14 (B) A charitable or recreational organization that complies with
15 the rules and regulations for recreational trailer parks.

16 (C) Sites or programs that are used by adults or groups for
17 counseling, religious retreats, reunions, conferences, and special
18 events on an intermittent, short-term basis of less than four
19 consecutive overnight stays.

20 (D) Programs offered by museums, zoos, cities, counties, special
21 districts, sports training organizations, gymnastics studios, theater
22 groups, or other physical education-based organizations.

23 (b) “Organized resident camp” means a site or sites with
24 programs and facilities established for the primary purposes of
25 providing group living experiences and that provides *three or more*
26 *consecutive* overnight stays during one or more seasons of the
27 year, excluding field trips as provided for under subparagraph (B)
28 of paragraph (2) of subdivision (c).

29 (c) (1) “Organized day camp” means a program that is
30 established for the primary purpose of providing group experiences
31 for children under 18 years of age during the day.

32 (2) An organized day camp may do all of the following:

33 (A) Transport campers to parks, beaches, campsites, and other
34 locations for activities.

35 (B) Provide for offsite field trips for no more than three
36 consecutive days. Any organized day camp that provides offsite
37 field trips for more than two consecutive nights shall be considered
38 an organized resident camp.

39 (3) An organized day camp shall have adequate staff to carry
40 out the program, including, but not limited to, a qualified program

1 director who has at least two seasons of administrative or
2 supervisory experience at an organized day camp or a youth
3 program. The program director shall be present at all times during
4 the operation of the organized day camp.

5 (d) “Camper” means any person in an organized camp on a fee
6 or nonfee basis who is a participant in the regular program and
7 training of an organized camp.

8 SEC. 2. Section 18897.1 of the Health and Safety Code is
9 repealed.

10 SEC. 3. Section 18897.1 is added to the Health and Safety
11 Code, to read:

12 18897.1. (a) An organized day camp or an organized resident
13 camp shall do all of the following:

14 (1) ~~Develop~~ *Issue a written notice of intent to operate and*
15 *develop and submit a written operating plan pursuant to Section*
16 *30704 of Title 17 of the California Code of Regulations and*
17 *provide the plan, Regulations, or written verification that the camp*
18 *is accredited by the American Camp Association (ACA), to the*
19 *local public health officer or his or her designee at least 30 45 days*
20 *prior to commencing operation of the camp. Year-round camps*
21 *shall submit their plans on an annual basis.*

22 (2) *For an organized day camp that does not have a fixed*
23 *location, register with the local public health officer as an*
24 *organized camp in the county in which its business office is located.*

25 (2)

26 (3) Meet the applicable requirements of Section 30751 of Title
27 17 of the California Code of Regulations.

28 (3)

29 (4) Install a carbon monoxide detector in any building intended
30 for human occupancy that has a fossil fuel burning heater or
31 appliance, a fireplace, or an attached garage.

32 (4)

33 (5) Store all firearms, including rifles, pellet guns, and air guns,
34 and bows and ~~arrows~~ *arrows*, in a locked cabinet designated for
35 this use when those items are not in use for authorized camp
36 activities. The director, or a qualified designee of the director that
37 meets the requirements of subdivision (a) of Section 30751 of Title
38 17 of the California Code of Regulations, of the organized camp
39 shall maintain possession of the key to this cabinet.

1 (6) *Obtain a permit or authorization pursuant to paragraph (2)*
2 *of subdivision (b) and post a copy of the permit or authorization*
3 *on the premises of the organized day camp or organized resident*
4 *camp and, if applicable, on the Internet Web site of the organized*
5 *day camp or organized resident camp.*

6 (b) (1) *The local public health officer shall acknowledge receipt*
7 *of the operating plan or verification of accreditation described in*
8 *paragraph (1) of subdivision (a) within 30 days. The local public*
9 *health officer may charge a fee for the review of an operating plan*
10 *that shall not exceed the actual cost of review. The local public*
11 *health officer shall not charge a fee for an acknowledgment of*
12 *camp accreditation. Upon receipt of the local public health officer's*
13 *acknowledgment, the organized day camp or organized resident*
14 *camp shall post a copy of the acknowledgment in a conspicuous*
15 *location on the camp premises. business days of receiving the*
16 *operating plan or verification of accreditation.*

17 (2) (A) *The local public health officer shall issue to an*
18 *organized day camp or an organized resident camp a permit to*
19 *operate if both of the following conditions are met:*

20 (i) *The written operating plan required pursuant to paragraph*
21 *(1) of subdivision (a) includes appropriate health and sanitation*
22 *standards as described in Section 18897.2 or accreditation by the*
23 *American Camp Association (ACA) is verified.*

24 (ii) *The local public health officer or his or her designee has*
25 *conducted an initial inspection of the premises of the organized*
26 *day camp or organized resident camp to verify compliance with*
27 *the appropriate health and sanitation standards.*

28 (B) *The local public health officer shall issue to an organized*
29 *day camp required to register pursuant to paragraph (2) of*
30 *subdivision (a) authorization to operate upon registration of the*
31 *organized day camp if the organized day camp meets the*
32 *requirements of subparagraph (A).*

33 (c) ~~(1)~~ *The local public health officer may inspect the organized*
34 *day camp or organized resident camp and charge a fee for that*
35 *purpose, not to exceed the reasonable cost of the inspection. The*
36 *local public health officer shall provide, within 30 days, a summary*
37 *of any violations of health and safety standards established in the*
38 *rules and regulations establishing minimum standards for organized*
39 *camps.*

~~(2) If the local public health officer does not conduct an inspection, he or she shall not impose any charges on the organized day camp or organized resident camp other than for reviewing the written operating plan pursuant to paragraph (2) of subdivision (a).~~

(d) An organized day camp or organized resident camp that has been cited for failing to meet legal requirements may appeal the citation to the local health department. *The local health department shall issue a decision on that appeal within 30 business days and that decision shall be final.*

(e) *The local public health officer, or his or her designee, may, during the organized camp's hours of operation or at other reasonable times, enter and inspect the premises of the organized camp, issue citations, and secure any samples, photographs, or other evidence from an organized camp or any facility suspected of being an organized camp.*

(f) *A person alleging health and sanitation violations pursuant to the regulations establishing minimum standards for organized camps may file a complaint, either orally or in writing, with the local public health officer. The local public health officer shall investigate any complaint received.*

(g) *The local public health officer may charge a fee to recover any necessary costs incurred in administering the provisions of this part relating to organized camp oversight. The fee shall not exceed the actual cost of organized camp oversight and related activities.*

SEC. 4. Section 18897.4 of the Health and Safety Code is amended to read:

~~18897.4. Every~~ *For the purposes of this part, every local health officer shall enforce within his or her jurisdiction the building standards published in the State Building Standards Code relating to organized camps and the other rules and regulations adopted by the Director of Public Health State Public Health Officer pursuant to Section 18897.2. A local public health officer may, for the purposes of complying with this section, contract with the Office of the State Architect or any other public agency or private organization for the review of design and performance of inspection of construction of camp buildings and structures, as specified in Section 30720 of Title 17 of the California Code of Regulations.*

~~SEC. 4.~~

SEC. 5. Section 18897.8 is added to the Health and Safety Code, immediately following Section 18897.7, to read:

18897.8. The State Department of Public Health, in adopting or amending the rules and regulations pertaining to organized day camps and organized resident camps under this part, shall make reasonable efforts to obtain the input and advice of organizations in the field. All costs incurred by the participating organizations shall be borne by the organizations themselves. The department shall implement this section in the most cost-effective manner deemed feasible.

~~SEC. 5.~~

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.